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TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER A "PRIOR" PATENT	Docket Number (Optional) AVI-034CIP

In re Application of: Rapp et al.

Application No.: 10/679,034

Filed: October 2, 2003

For: Production of a Transgenic Avian by Cytoplasmic Injection

The owner*, AviGenics, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term **prior patent** No. 7,312,374 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the **prior patent** are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of the term of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the **prior patent**, "as the term of said **prior patent** is presently shortened by any terminal disclaimer," in the event that said **prior patent** later:

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2. ☑ The undersigned is an attorney or agent of record. Reg. No. 45,526

Signature — January 21, 2008 (Date)

Kyle Yesland
Typed or printed name

706-227-1170 ext. 233
Telephone Number

☑ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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